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H – 1078

International Court of Justice

H1078 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 August 1946

COMMISSIONER:

M. Martin Havard

THE SA

(The Commission convened at 1000 hours)

THEO GRUSS, a witness, took the stand and testified as follows:

COMMISSIONER HAVARD: The witness will stand. What is your name?

THE WITNESS: Theo Gruss.

COMMISSIONER HAVARD: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COMMISSIONER HAVARD: You may sit down.

DR. KLEFISCH: Klefisch for the SA. I shall put the following questions to the witness. First as regard to the coordination of the Stahlhelm and the SA. The second point regarding question as to whether these organizations did volunteer for the coordination or not, and causative measures and measures of the national socialists government during the execution of these measures. Thirdly, the opposition of the Stahlhelm against national socialism. Fourth, causative measures which led to the situation that the Stahlhelm remained within the SA. And fifth, the position of the coordinated Stahlhelm formations

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as a means of opposition. The testimony is supposed to be given with regard to the whole area of Germany, but I shall confine myself to the most essential points in my examination, as we have intentions to hear the witness before the Tribunal.

DIRECT EXAMINATION

BY DR. KLEFISCH:

Q. How old are you?

A. I was born on the 22nd of May 1882.

Q. Were you a member of the Party or of any organization that belonged to the Party?

A. No.

Q. Were you a soldier and in which rank?

A. I was a soldier during the first World War in the rank of a corporal.

Q. What was your rank in the Stahlhelm?

A. I was Bundeskammerer - general paymaster.

Q. During what period did you hold that office?

A. First from 1920 until 1925, and for the second I was Bundeskammerer for the Stahlhelm until 1933 until its dissolution in 1935.

Q. Is it correct that the rank of Bundeskammerer was one of the highest ranks within the Stahlhelm?

A. Yes, as I was directly subordinate Bundeskammerer to the federate ~~leader~~ leader and had no other superior official.

Q. What were your tasks after the dissolution of the Stahlhelm in 1935?

A. I was entrusted with the liquidation of the Stahlhelm, which I took over the direction.

Q. How long did you hold this office?

A. Until 1939.

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Q. How was the Stahlhelm embodied in the SA?

A. The embodiment of the Stahlhelm into the SA was ordered by the supreme command of the SA.

Q. Does this order refer to a special district of Germany, or does it refer to the whole of Germany?

A. The whole of Germany.

Q. Why did you yourself not become a member of the SA?

A. I was already over 45, was wounded in the War, and was a free mason.

Q. Did the greater part of the Stahlhelm members volunteer to become members of the SA?

A. No by no means.

Q. Why did the members of the Stahlhelm hesitate to become members of the SA?

A. The members of the Stahlhelm were entirely different from those of the SA .

Q. Now would you shortly describe those differences?

A. The members of the Stahlhelm were for the greater part veterans. They had nothing to do with politics. They did not want to have anything to do with the Party. They have joined the Stahlhelm voluntarily, and the leadership cooperation was based on comradeship. All that was not the case within the SA.

Q. So when the Stahlhelm was embodied into the SA, what were the ideas that were brought into the SA by the members of the Stahlhelm?

A. In the first place they brought tradition - the tradition of the comradeship of the First World War - social ideas.

Q. Was this soldiers comradeship supposed to serve the preparationof an aggressive war?

A. No.

Q. Why not?

W.

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old

A. The/~~xxxxx~~ members of the Stahlhelm knew war and did not want to have another war.

Q. So what was the sense of this idea of soldiers comradeship in the Stahlhelm?

A. Mutual aid.

Q. What were the reasons for the embodiment of the Stahlhelm in the SA and what were the means by which this embodiment was carried out?

A. They were embodied on the ground of an order.

Q. Were there other means used in order to induce them to join the SA?

A. Yes. There were other forces to join the SA or pressure was exercised upon them.

Q. Were there any false pretenses made in order to induce them to join the SA?

A. Yes. The members of the Stahlhelm were told that they would beable within the SA to keep their own leaders, their own uniforms, their own units, and their own banners, but this was not true.

Q. Did the Bundesfuehrer - confederate leader of the SA, Seldte promote these passings over from the Stahlhelm to the SA?

A. Yes.

Q. How did the greater part of the Stahlhelm members judge or think about the behavior of their leader, Seldte?

A. They did not agree with his measures and they were in a very bad mood.

Q. As far as you know about it, does that testimony refer to the whole area of Germany?

A. Yes.

Q. Were there any Stahlhelm members who joined the SA voluntarily and correctly, and what kind of people were those?

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A. Yes, as a matter of fact, there were such Stahlhelm members, but there were only a few. They were in those cases ambitious leaders, and such people who hoped that there would be a personal advantage in joining the SA.

Q. Was there any pressure upon the Bundesfuehrer, Seldte, in 1933?

A. Yes.

Q. What happened to him?

A. There are several examples, but I only want to quote one example. During a parade that took place at Schonebeck, a little village near Magdeburg was attacked by SA men and Hitler Youth and many Stahlhelm members were wounded. The people were shouting, 'Death to Stahlhelm.'

Q. Had the Stahlhelm members a possibility of retiring from the SA without any considerable disadvantages?

A. No.

Q. What were these disadvantages?

A. Whenever a Stahlhelm member wanted to leave the SA, he was threatened that there would be certain disadvantages in the exercise of his profession, and he was furthermore threatened that he would be arrested and police measures would be taken against him.

Q. After the embodiment of the Stahlhelm in the SA and after the dissolution of the rest of the Stahlhelm, was there any closer connection of the Stahlhelm members within the SA?

A. Yes, all over Germany.

Q. Was there any central agencies that promoted this closer connection between the Stahlhelm members?

A. Yes, I represented this agency.

Q. That means the liquidation agency?

A. Yes.

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Q. Was the activity of this agency legal in so far as it dealt with the connection of the Stahlhelm members?

A. No. It was even strictly forbidden by the Gestapo.

Q. Did this connection only exist between members of the Stahlhelm who had not jointed the SA or did also members of the Stahlhelm who had already joined the SA participate in this connection?

A. Also those who had already joined the SA.

Q. When you spoke to Stahlhelm members who had already joined the SA, what did they tell you about the SA?

A. They always were against the SA and against the Party.

Q. Do you know about many Stahlhelm members who had joined the SA?

A. Yes, but many hundreds.

Q. Were these Stahlhelm members to whom you just referred backed by other circles of former Stahlhelm members?

A. The Stahlhelm members with whom I was not connected were backed by other circles of our comrades.

Q. So we can suppose that these several hundreds of Stahlhelm members, to whom we just referred and with whom you were not connected, represented the opinion of a far greater number of Stahlhelm members?

A. Yes.

Q. To which period do you refer when you tell us about all this?

A. Until the beginning of the war - first days of the war.

DR. KLEFISCH: Thank you - no further questions.

CROSS EXAMINATION

BY MR. BARRINGTON:

Q. Witness, you said that the embodiment of the Stahlhelm into the SA

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was ordered by the ~~xxxxxx~~ supreme command of the SA?

A. Yes.

Q. At what date was the order given - approximately?

A. Approximately in June 1933 or in January 1934.

Q. And how was that order ~~xxx~~ given?

A. We received circulars from the supreme command of the SA. The order was given in writing and it was printed.

Q. Is it correct in that case that the supreme command~~e~~ of the SA at that date had the right to issue orders to another organization?

A. Yes. This right was derived from the fact that upon an order issued by the Bundesfuehrer Seldte, the Stahlhelm was placed under the commandof Hitler, and Hitler was the supreme commander of the SA.

Q. Then in that case you are talking of an order after the Stahlhelm was transferred to the SA - is that correct?

A. No - before the embodiment.

Q. Before the embodiment perhaps, but was it not the real transfer to the SA when Seldte put the Stahlhelm under Hitler?

A. I cannot say that exactly.

Q. If you were not a member of the SA yourself, you have, I suppose, no accurate knowledge of the regulations of the SA?

A. Yes, I have an accurate knowledge of these regulations as in my capacity of Bundeskammerer I was bound to have such knowledge.

Q. Do you know Max Juettner?

A. Yes.

Q. Is he wrong when he says that the SA supported the principle of ~~voluntary~~ voluntary membership?

A. He is not quite right. In the order issued by the supreme command

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voluntary membership was mentioned. All over the country in reality, the principle of voluntary membership was not observed and theorders issued by the supreme SA command were in most cases not published.

MR. BARRINGTON: No further questions.

RE-DIRECT EXAMINATION

BY DR. KLEFISCH:

Q. May I ask a few further questions. Did the embodiment of the Stahlhelm to the SA take place on the ground of only two orders, or were there several orders?

A. Right now I remember only two fundamental orders. Later on there were, of course, provisions issued for the carrying out of these orders.

Q. Were these provisions drafted in a clear manner or were there any contradictions in them?

A. They were drafted in a manner so that in different parts of Germany they were interpreted in a different way.

Q. You just spoke about voluntary membership that was granted to the Stahlhelm members in this respect. Does that refer to all members of the Stahlhelm or just to Wehrstahlhelm and Kernstahlhelm?

A. In the first place, I'm referring to the Kernstahlhelm.

Q. What kind of Stahlhelm members were those - which years?

A. They were from 36 to 45 years old.

Q. Witness, you just told us that Seldte put the Stahlhelm under Hitler as a legal basis for the transfer of the Stahlhelm into the SA.

A. Yes.

Q. Did that way of acting, that sort of transfer, correspond with the regulations of the Stahlhelm?

A. No.

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DR. KLEFISCH: I thank you.

COMMISSIONER HAVARD: Do you know whether they have another witness? I have no instructions.

MR. BARRINGTON: I was told there was one more witness—defense witness, of course.

COMMISSIONER HAVARD: Witness may retire.

(The witness was excused at 1053 hours)

The above and foregoing is a true and correct transcript of the testimony of THEO GRUSS, taken on 1 August 1946.

Bernice Winkler
Reporter (pp; 1 - 9)

CERTIFIED TO:

Martin-Havard pp T.M.T.
Commissioner

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(The Commission convened at 1000 hours)

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COMMISSIONER HAVARD: The witness will stand. What is your name?

THE WITNESS: Theo Gruss.

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I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COMMISSIONER HAVARD: You may sit down.

DR. KLEFISCH: Klefisch for the SA. I shall put the following questions to the witness. First as regard to the coordination of the Stahlhelm and the SA. The second point regarding question as to whether these organizations did volunteer for the coordination or not, and causative measures and measures of the national socialist government during the execution of these measures. Thirdly, the opposition of the Stahlhelm against national socialism. Fourth, causative measures which led to the situation that the Stahlhelm remained within the SA. And fifth, the position of the coordinated Stahlhelm formations as a means of opposition. The testimony is supposed to be given with regard to the whole area of Germany, but I shall confine myself to the most essential points in my examination, as we have intentions to hear the witness before the Tribunal.

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DIRECT EXAMINATION

BY DR. KLEFISCH:

Q How old are you?

A I was born on the 22nd of May 1882.

Q Were you a member of the Party or of any organization that belonged to the Party?

A No.

Q Were you a soldier and in which rank?

A I was a soldier during the first World War in the rank of a corporal.

Q What was your rank in the Stahlhelm?

A I was Bundeskammerer - general paymaster.

Q During what period did you hold that office?

A First from 1920 until 1925, and for the second I was Bundeskammerer for the Stahlhelm until 1933 until its dissolution in 1935.

Q Is it correct that the rank of Bundeskammerer was one of the highest ranks within the Stahlhelm?

A Yes, as I was directly subordinate Bundeskammerer to the federate leader and had no other superior official.

Q What were your tasks after the dissolution of the Stahlhelm in 1935?

A I was entrusted with the liquidation of the Stahlhelm, which I took over the direction.

Q How long did you hold this office?

A Until 1939.

Q How was the Stahlhelm embodied in the SA?

A The embodiment of the Stahlhelm into the SA was ordered by the supreme command of the SA.

Q Does this order refer to a special district of Germany, or does it refer to the whole of Germany?

A The whole of Germany.

Q Why did you yourself not become a member of the SA?

A I was already over 45, was wounded in the War, and was

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a free mason.

Q Did the greater part of the Stahlhelm members volunteer to become members of the SA?

A No by no means.

Q Why did the members of the Stahlhelm hesitate to become members of the SA?

A The members of the Stahlhelm were entirely different from those of the SA.

Q Now would you shortly describe those differences?

A The members of the Stahlhelm were for the greater part veterans. They had noth'ng to do with politics. They did not want to have anyghing to do with the Party. They have joined the Stahlhelm voluntarily, and the leadership cooperation was based on comradeship. All that was not the case within the SA.

Q So when the Stahlhelm was embodied into the SA, what were the ideas that were brought into the SA by the members of the Stahlhelm?

A In the first place they brought tradition - the tradition of the comradeship of the First World War - social ideas.

Q Was this soldiers comradeship supposed to serve the preparation of an aggressive war?

A No.

Q Why not?

A The old members of the Stahlhelm knew war and did not want to have another war.

Q So what was the sense of this idea of soldiers comradeship in the Stahlhelm?

A Mutual aid.

Q What were the reasons for the embodiment of the Stahlhelm in the SA and what were the means by which this embodiment was carried out?

A They were embodied on the ground of an order.

Q Were there other means used in order to induce them to join the SA?

H1078 - 0014

A Yes. There were other forces to join the SA or pressure was exercised upon them.

Q Were there any false pretenses made in order to induce them to join the SA?

A Yes. The members of the Stahlhelm were told that they would be able within the SA to keep their own leaders, their own uniforms, their own units, and their own banners, but this was not true.

Q Did the Bundesfuehrer - confederate leader of the SA , Seldte, promote these passings over from the Stahlhelm to the SA?

A Yes.

Q How did the greater part of the Stahlhelm members judge or think about the behavior of their leader, Seldte?

A They did not agree with his measures and they were in a very bad mood.

Q As far as you know about it, does that testimony refer to the whole area of Germany?

A Yes.

Q Were there any Stahlhelm members who joined the SA voluntarily and correctly, and what kind of people were those?

A Yes, as a matter of fact, there were such Stahlhelm members, but there were only a few. They were in those cases ambitious leaders, and such people who hoped that there would be a personal advantage in joining the SA.

Q Was there any pressure upon the Bundesfuehrer, Seldte, in 1933?

A Yes.

Q What happened to him?

A There are several examples, but I only want to quote one example. During a parade that took place at Schonebeck, a little village near Magdeburg was attacked by SA men and Hitler Youth and many Stahlhelm members were wounded. The people were shouting, 'Death to Stahlhelm.'

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Q Had the Stahlhelm members a possibility of retiring from the SA without any considerable disadvantages?

A No.

Q What were these disadvantages?

A Whenever a Stahlhelm member wanted to leave the SA, he was threatened that there would be certain disadvantages in the exercise of his profession, and he was furthermore threatened that he would be arrested and police measures would be taken against him.

Q After the embodiment of the Stahlhelm in the SA and after the dissolution of the rest of the Stahlhelm, was there any colser connection of the Stahlhelm members within the SA?

A Yes, all over Germany.

Q Was there any central agencies that promoted this closer connection between the Stahlhelm members?

A Yes, I represented this agency.

Q That means the liquidation agency?

A Yes.

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Q Was the activity of this agency legal in so far as it dealt with the connection of the Stahlhelm members?

A No. It was even strictly forbidden by the Gestapo.

Q Did this connection only exist between members of the Stahlhelm who had not joined the SA or did also members of the Stahlhelm who had already joined the SA participate in this connection?

A Also those who had already joined the SA.

Q When you spoke to Stahlhelm members who had already joined the SA, what did they tell you about the SA?

A They always were against the SA and against the Party.

Q Do you know about many Stahlhelm members who had joined the SA?

A Yes, but many hundreds.

Q Were these Stahlhelm members to whom you just referred backed by other circles of former Stahlhelm members?

A The Stahlhelm members with whom I was not connected were backed by other circles of our comrades.

Q So we can suppose that these several hundreds of Stahlhelm members, to whom we just referred and with whom you were not connected, represented the opinionof a far greater number of Stahlhelm members?

A Yes.

Q To which period do you refer when you tell us about allthis?

A Until the beginning of the war - first days of the war.

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BY MR. BARRINGTON:

Q Witness, you said that the embodiment of the Stahlhelm into the SA was ordered by the supreme command of the SA?

A Yes.

Q At what date was the order tiven- approximately?

A Approximately in June 1933 or in January 1934.

Q And how was that order given?

A We received circulars from the supreme command of the SA. The order was given in writing and it was printed.

Q Is it correct in that case that the supreme command of the SA at

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that date had the right to issue orders to another organization?

A Yes. This right was derived from the fact thatupon an order issued by the Bundesfuehrer Seldte, theStahlhelm was placed under the command of Hitler, and Hitler was the supreme commander of the SA.

Q Then in that case you are talking of an order after the Stahlhelm was transferred to the SA - is that correct?

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Q Were these provisions drafted in a clear manner or were there any contradictions in them?

A They were drafted in a manner so that in different parts of Germany they were interpreted in a different way.

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Q You just spoke about voluntary membership that was granted to the Stahlhelm members in this respect. Does that refer to all members of the Stahlhelm or just to Wehrstahlhelm and Kernstahlhelm?

A In the first place, I'm referring to the Kernstahlhelm.

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A No.

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Bernice Winkler
Reporter

CERTIFIED TO:

Martin-Havard
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